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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,060	09/24/2003	Kenneth J. Kaminski		5096

7590

08/24/2004

Gerard E. Moy  
1608 Danube Lane  
Plano, TX 75075

EXAMINER
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JIANG, CHEN WEN

ART UNIT	PAPER NUMBER
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3744

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/670,060	Applicant(s) KAMINSKI, KENNETH J.	
	Examiner Chen-Wen Jiang	Art Unit 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7-14, 16 and 17 is/are rejected.
- 7) ☒ Claim(s) 4, 6 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20040120</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,8,10,12 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Umezu et al. (U.S. Patent Number 4,385,505).

Umezu et al. disclose an air conditioner comprising a first drain tray 44 disposed below the evaporator and a second drain tray 48 disposed below the first drain tray. Referring to Figs.2,5,6 and 8, a drain tube 52 is used for exhausting the drain from the second drain tray 48 to the outside. Under the principals of inherency, if a prior art device, in its normal and usual operation, would necessarily perform the method claimed, then the method claimed will be considered to be anticipated by the prior art device. When the prior art device is the same as a device described in the specification for carrying out the claimed method, it can be assumed the device will inherently perform the claimed process. *Ir re King*, 801 F.2d 1324, 231 USPQ 136 (Fed. Cir. 1986).

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1,8 and 12 are rejected under 35 U.S.C. 102(b) as being unpatentable over Song (2000KR-0043089) in view of Albutt (GB 2356036).

Song discloses a structure of drain pan for an air conditioner. Referring to the figure, the system comprises a primary drain pan 8 connected to a first drainpipe, a secondary drain pan 10 connected to a second drainpipe discharging condensate. However, Song does not disclose a sloped bottom. Albutt discloses a sloped bottom in the same field of endeavor for the purpose of easy draining. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Song with a sloped bottom in view of Albutt so as to improve draining. Under the principals of inherency, if a prior art device, in its normal and usual operation, would necessarily perform the method claimed, then the method claimed will be considered to be anticipated by the prior art device. When the prior art device is the same as a device described in the specification for carrying out the claimed method, it can be assumed the device will inherently perform the claimed process. *Ir re King*, 801 F.2d 1324, 231 USPQ 136 (Fed. Cir. 1986).

5. Claims 1,8,9,10,11,12,16 and 17 are rejected under 35 U.S.C. 102(e) as being unpatentable over Lea (US 2002/0000093) in view of Albutt (GB 2356036).

Lea discloses an air conditioner condensation pan overflow protection. Referring to Figs.1 and 3, the system comprises one or more condensation pans 40,50 and is drained through drains 45,55. The secondary pan is below the primary pan, and larger, in order to catch any spillage from the primary pan. Some installations of the condensation pans have the drains 45,55

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on the sides, and some installations have the drains 45,55 on the pan bottom. However, Lea does not disclose a sloped bottom. Albutt discloses a sloped bottom in the same field of endeavor for the purpose of easy draining. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Lea with a sloped bottom in view of Albutt so as to improve draining. Under the principals of inherency, if a prior art device, in its normal and usual operation, would necessarily perform the method claimed, then the method claimed will be considered to be anticipated by the prior art device. When the prior art device is the same as a device described in the specification for carrying out the claimed method, it can be assumed the device will inherently perform the claimed process. *Ir re King*, 801 F.2d 1324, 231 USPQ 136 (Fed. Cir. 1986).

6. Claims 2,3,5,13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lea and Albutt and further in view of da Luz Moreas (U.S. Patent Number 6,032,478).

Lea and Albutt disclose the invention substantially as claimed. However, Lea and Albutt do not disclose molded pan. da Luz Moreas disclose molded from an ABS plastic in the same field of endeavor for the purpose of making drain pan. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Lea and Albutt with a molded plastic pan in view of da Luz Moreas so as to drain condensate. The applicant should note that the selection of known material based upon its suitability for the intended use is a design consideration within the skill of the art. *In re Leshin*, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

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7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lea and Albutt and further in view of Laios et al. (U.S. Patent Number 4,698,982) or Cox et al. (U.S. Patent Number 5,207,074).

Lea and Albutt disclose the invention substantially as claimed. However, Lea and Albutt do not disclose threaded connection. Laios et al. and Cox et al. disclose internally threaded in the same field of endeavor for the purpose of drain connection. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Lea and Albutt with a threaded connection in view of Laios et al. and Cox et al. so as to drain condensate.

*Allowable Subject Matter*

8. Claims 4,6 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

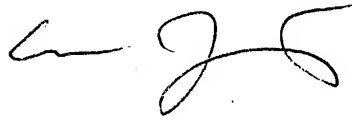
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chen-Wen Jiang whose telephone number is (703) 308-0275. The examiner can normally be reached on Tuesday-Friday from 7:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Denise Esquivel can be reached on (703) 308-2597. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chen-Wen Jiang  
Primary Examiner

A handwritten signature in black ink, appearing to be 'C. W. Jiang', written in a cursive style.